

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Monday
May 24, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by the Honorable James R. Handy of Androscoggin.

SENATOR JAMES R. HANDY: Good morning. These are the words of Paul McCartney in a song that he wrote in dedication of the rain forest campaigner Chico Mandez.

How many people stand in a line?
How many people never get a chance to shine?
If you can tell me I will gladly listen.
How many people have died?
How many people go for a ride?
How many people never make it through
to the other side?
If you can tell me I will gladly listen.
How many people have cried?
One too many for me right now.
I want to be happy, I want to be free.
I want to see ordinary people living peacefully.

Amen.

Reading of the Journal of Friday, May 21, 1993.

COMMUNICATIONS

The Following Communication: S.P. 510

116TH MAINE LEGISLATURE

May 21, 1993

Senator Dale McCormick
Rep. Edward L. Pineau
Chairpersons
Joint Standing Committee on Banking and Insurance
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Brian K. Atchinson of Cumberland for reappointment as the Superintendent of the Bureau of Insurance.

Pursuant to Title 24A, MRSA Section 201, this nomination will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **BANKING AND INSURANCE**.

Sent down for concurrence.

The Following Communication: S.P. 511

116TH MAINE LEGISLATURE

May 21, 1993

Senator Rochelle Pingree
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic Development
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that, pursuant to Title 10, MRSA Section 972, Governor John R. McKernan, Jr. has nominated Timothy P. Agnew of Yarmouth for reappointment as Chief Executive Officer of the Finance Authority of Maine.

Also, pursuant to Title 10, MRSA Section 965, the Governor has nominated Jayne C. Giles of Winthrop and Richard E. Dyke of Windham for reappointment to the Finance Authority of Maine.

These nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Expand Opportunities for School-to-work Transition Services Utilizing the Jobs for Maine's Graduates Model" (Emergency)
S.P. 509 L.D. 1535

Presented by Senator **HANDY** of Androscoggin (GOVERNOR'S BILL)
Cosponsored by Representative **LIBBY** of Buxton and Senators: **DUTREMBLE** of York, **PARADIS** of Aroostook, Representatives: **AIKMAN** of Poland, **AULT** of Wayne

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1993 (Emergency)
H.P. 1130 L.D. 1531

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

The Resolve **LATER ASSIGNED FOR SECOND READING**.

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1993 (Emergency)
H.P. 1131 L.D. 1532

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

The Resolve **LATER ASSIGNED FOR SECOND READING**.

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1993 (Emergency)
H.P. 1132 L.D. 1533

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

The Resolve **LATER ASSIGNED FOR SECOND READING**.

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1993 (Emergency)
H.P. 1133 L.D. 1534

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

The Resolve **LATER ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System"
H.P. 680 L.D. 922

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-369).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-369) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System"

H.P. 871 L.D. 1180

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-368)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-368) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Maintain the Integrity of Commodity Tax Accounts" (Emergency)

H.P. 92 L.D. 122

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-371)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-371) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Clarify the Management of Real Estate Leases"

H.P. 396 L.D. 509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Protect the Health of Anglers"

H.P. 276 L.D. 354

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-384)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-384) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System"

H.P. 776 L.D. 1049

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-385)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-385) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish a State Trauma Care System"
H.P. 875 L.D. 1189

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Resolve, Directing the Bureau of Health to Study the Problem of Violence among Children, Teens and Young Adults (Emergency)
H.P. 927 L.D. 1250

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-387)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

The Resolve as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Repairs Performed by Rental Tenants"
H.P. 900 L.D. 1215

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-376)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-376) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Renewals of Valid Concealed Weapons Permits"
H.P. 1043 L.D. 1395

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-377)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-377) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER ASSIGNED FOR SECOND READING**.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Recording of Deeds"
H.P. 986 L.D. 1317

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-383)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-383) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, LATER ASSIGNED FOR SECOND READING.

Signed:

Senators:

PEARSON of Penobscot
TITCOMB of Cumberland
FOSTER of Hancock

Representatives:

CARROLL of Gray
KERR of Old Orchard Beach
POULIOT of Lewiston
CHONKO of Topsham
FOSS of Yarmouth
REED of Falmouth
MACBRIDE of Presque Isle
MICHAUD of East Millinocket

The Committee on TRANSPORTATION on Bill "An Act Establishing University of Maine System License Plates"

H.P. 415 L.D. 534

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-378).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-378).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-378) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER ASSIGNED FOR SECOND READING.

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

HICHBORN of Howland
RYDELL of Brunswick

The Committee on UTILITIES on Bill "An Act to Amend the Charter of the Boothbay Harbor Water System" (Emergency)

H.P. 1097 L.D. 1484

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-390).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-390) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER ASSIGNED FOR SECOND READING.

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-372) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Amend the Laws Relating to the Lobster Promotion Council"

H.P. 842 L.D. 1147

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-350).

Signed:

Senators:

VOSE of Washington
PINGREE of Knox
GOULD of Waldo

Representatives:

MITCHELL of Freeport
COLES of Harpswell
LEMONT of Kittery
SKOGLUND of St. George
SWAZEY of Bucksport
CONSTANTINE of Bar Harbor
HEINO of Boothbay
TOWNSEND of Eastport

Divided Report

The Majority of the Committee on APPROPRIATIONS & FINANCIAL AFFAIRS on Bill "An Act to Promote State Savings through the Efficient Utilization of Funds"

H.P. 1018 L.D. 1364

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-372).

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass.**

Signed:

Representatives:

LOOK of Jonesboro
FARREN of Cherryfield

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350).**

Which Reports were **READ.**

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-350) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER ASSIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Amend the Laws Governing the Conversion of Fuel Systems"

H.P. 284 L.D. 371

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348).**

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

CLARK of Millinocket
CASHMAN of Old Town
HOLT of Bath
ADAMS of Portland
KONTOS of Windham
COFFMAN of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-349).**

Signed:

Senators:

VOSE of Washington
CARPENTER of York

Representatives:

MORRISON of Bangor
DONNELLY of Presque Isle
TAYLOR of Cumberland
AIKMAN of Poland

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348).**

Which Reports were **READ.**

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections"

H.P. 443 L.D. 569

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Bill "An Act Concerning Limits on Security Deposits"

H.P. 898 L.D. 1213

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE.**

Sent down for concurrence.

House As Amended

Bill "An Act Concerning the Taking of Sea Urchins"

H.P. 98 L.D. 140
(H "A" H-380 to C
"A" H-366)

Bill "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders"

H.P. 146 L.D. 191
(C "A" H-346)

Bill "An Act Concerning Ice-fishing Shacks" (Emergency)

H.P. 192 L.D. 255
(C "A" H-341)

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals

H.P. 513 L.D. 671
(C "A" H-355)

Bill "An Act to Amend the State Reporting Requirements for State Party Committees"

H.P. 772 L.D. 1045
(C "A" H-359)

Bill "An Act Revising the Shellfish-harvesting Laws"

H.P. 773 L.D. 1046
(C "A" H-353)

Bill "An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers"

H.P. 783 L.D. 1056
(C "A" H-345)

Bill "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters"

H.P. 798 L.D. 1084
(C "A" H-351)

Bill "An Act to Amend the Power of Sale Foreclosure Laws"

H.P. 843 L.D. 1148
(C "A" H-363)

Resolve, to Establish the Academy for Public Service Study Committee

H.P. 874 L.D. 1188
(C "A" H-362)

Bill "An Act to Change the Railroad Fire Protection Laws"

H.P. 980 L.D. 1311
(C "A" H-354)

Bill "An Act to Abolish the Castine Water District"

H.P. 1006 L.D. 1352
(C "A" H-344)

Bill "An Act to Amend the Charter of the Plymouth Water District"

H.P. 1010 L.D. 1356
(C "A" H-342)

Bill "An Act to Reapportion Maine School Administrative District Number 30" (Emergency)

H.P. 1072 L.D. 1438
(C "A" H-340)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate

Bill "An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program"

S.P. 184 L.D. 620

Bill "An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers"

S.P. 363 L.D. 1120

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Long-term Care Ombudsman Program"

S.P. 190 L.D. 626
(C "A" S-179)

Bill "An Act to Remove Home Health Care Agencies from the Maine Certificate of Need Act of 1978 Requirement for Initial Licensure"

S.P. 226 L.D. 697
(C "A" S-180)

Bill "An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure"

S.P. 234 L.D. 727
(C "A" S-176)

Bill "An Act Regarding Lobbying"

S.P. 295 L.D. 881
(C "A" S-183)

Bill "An Act to Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County" (Emergency)

S.P. 411 L.D. 1287
(C "A" S-181)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Bill "An Act Regarding Reciprocity of Licensing Barbers and Cosmetologists"

S.P. 401 L.D. 1232
(C "A" S-178)

Which was **READ A SECOND TIME**.

On motion by Senator **CIANCHETTE** of Somerset, Senate Amendment "A" (S-187) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

An Act to Amend the Maine Pharmacy Act
H.P. 944 L.D. 1273

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children
H.P. 109 L.D. 151
(C "A" H-279)

An Act to Prohibit Commercial Hunting on Unlicensed Land
S.P. 210 L.D. 681
(C "A" S-133)

An Act Regarding the Credentialing of School Psychological Service Providers
S.P. 262 L.D. 800
(C "A" S-125)

An Act to Amend the Workers' Compensation Laws for Workers in Certain Marine Resources Industries
S.P. 290 L.D. 860
(C "A" S-134)

An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws
H.P. 649 L.D. 887
(C "A" H-288)

An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws
S.P. 341 L.D. 1038
(C "A" S-131)

An Act to Create a Student Seat on the Board of Trustees of the Maine Maritime Academy
S.P. 359 L.D. 1073
(S "A" S-150 to C "A" S-113)

An Act to Clarify Ambiguous Language and Correct Errors in Licensing Procedures and Requirements for Licensees Regulated by the Superintendent of Insurance
S.P. 361 L.D. 1075
(C "A" S-129)

An Act Repealing Advisory Boards on Education Matters
H.P. 803 L.D. 1089
(C "A" H-281)

An Act to Clarify and Amend the Law Regarding Open-end Mortgages
S.P. 380 L.D. 1136
(C "A" S-130)

An Act to Create a Cause of Action Against the State for Wrongful Imprisonment
H.P. 621 L.D. 845
(C "A" H-280)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

An Act to Extend Criminal Sanctions to Certain Child Protective Orders
H.P. 654 L.D. 892
(C "A" H-287)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

An Act Repealing Advisory Boards on Transportation Matters
H.P. 811 L.D. 1097
(H "A" H-324 to C "A" H-248)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT.**

An Act to Authorize State Agencies to Accept Funds for an Alternative-fueled Vehicle Demonstration Project
H.P. 819 L.D. 1105
(C "A" H-283)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

An Act to Increase the Number of Moose Permits and Make Other Changes in the Moose Hunting Laws
H.P. 758 L.D. 1025
(C "A" H-284)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. I simply could not let this particular measure go by without commenting on it again. This is the moose issue that we talked about the other day in here. I can't tell you how much it bothers me to see the increasing number of moose that are going to be allowed to be, well pick the word you want, harvested I guess is the word that is most gentle with regard to the moose. I just don't think that it's necessary. I understand the arguments that were made here the other day about disease and that's a legitimate argument and as I understand it that disease is under control with the harvest number that we have now. I also heard people talking about moose falling in swimming pools. I thought we had a law in this State that says swimming pools have to be fenced in, maybe I'm missing something. On the one or two or three occasions in the year that become so celebrated when a moose wanders into a city it's all over the newspapers and everybody at that point wants to save the moose. They go to extraordinary lengths to try to get the moose out of the city and out of the swimming pool or whatever they might be in. Besides that I kind of like living in a State where they do have, every once in a while, a moose wandering into a city. I think it's good for tourism, good for publicity. Did you ever think of that? I go back home on the Interstate right now and they have pictures of moose on the signs along the road that say Warning Moose next 16 miles. Then you go a little further and there's one that says Warning Moose next 28 miles. I haven't seen any moose on that stretch but that's not to say that it doesn't occur. Actually when I saw those signs go up I thought, at first, that they were put up by the Maine Publicity Bureau so visitors to the State would say isn't that quaint, they have moose around here. I will say that the other day when I was in Fort Kent, on the way up, I did see one on Route 11. I thought it was great. I love to see it, it was wonderful to see. I never ever tire of seeing a moose, never. I had a visitor who was visiting me here a while ago from the Ukraine, I took him up to Baxter Park and we walked into Sandy Stream Pond and saw three or four moose in there. They seemed to be absolutely undisturbed by the public, as a matter of fact I've had them walk right by me before in the past in Baxter Park. For some reason or other, whatever that reason is, we are supposed to want to kill more of them. I picked up the paper the other day and they've gotten in Greenville, Moose Mania, where all the tourists come up and they take you on tours and you go out and see a moose. Someone wants to kill them. Why do they want to kill them? Why do you want to kill more moose? It isn't like they are in an ant farm you know, I mean everybody says if you don't believe the biologists we ought not to have them. I believe the biologists, I believe in the three technicians that are going to be laid off that have college degrees in biology, 75% of their salary paid for by the Federal Government, it's going to cost us just as much money to lay them off as it is to keep them, and yet when that issue came up before Fisheries and Wildlife they weren't continued. I just believe that this State's animal, right there in our State seal, on the rug on the floor, the moose, ought to have some kind of special consideration. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator CLEVELAND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to elaborate on a news article that occurred in this weekend's paper. Some of you may have seen it, others may not have. It was in the Portland Press Herald on the front page. It was a picture of a moose lying, exhausted, on the ground with two game wardens standing by trying to resuscitate the moose. The moose had apparently wandered into the city of Portland and had run into a chainlink fence several times, exhausting itself and collapsing onto the ground. I wanted to let you know that I heard from a very good source that the moose was on its way to the drive up window of Dunkin Donuts when it crashed into that fence, exhausting itself, delaying its arrival at Dunkin Donuts. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to join my good friend from Penobscot, Senator Pearson, in his efforts to try and derail this Bill as it goes through this body. There really used to be a time when this was a serious issue here in the State and was debated, at length, very seriously about whether or not to even open up the hunt, in reference to the moose. It took many years for the hunting lobby to get the legislature to listen to them about opening up this hunt. I realize that people want to talk about the biologists, what the biologists have to say and how we will cull the herd, how we need this harvest, and these euphemistic terms they use to bring the herd down to a manageable level. In fact, the reason for not allowing this hunt, besides the fact that the moose became endangered for a while, is because of the fact that it is the most majestic animal in all of North America. We here, in Maine, are lucky to have many moose and that's one of the reasons why we have many tourists come to this State. I've heard a lot of arguments, particularly in reference to accidents between cars and moose or trains and moose, as to why we should allow this additional 250, I believe 250, permits. To me I don't understand that. I don't know how you're going to get the 250 jaywalkers to walk into a rifle. I do not see how giving 250 more permits is going to resolve the issue in reference to the accidents which have been occurring on Maine roads. I just think it's wrong, I don't think we should pass this, I do not think it's in the best interest of the people of the State. It's certainly not in the best interest of the moose in this State and I hope you would vote against it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator LUTHER: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm sorry that we are taking up more time with this Bill, I truly am. In 1991, the last year that they had figures for, there were 591 collisions with moose. There is nothing quaint about it. There were not 591 deaths but I can assure you there must have been 591 cars that were totalled. There is nothing quaint about moose when they come over the front of your car and wipe out the windshield, because they're long and spindly-legged and that's exactly what happens. We do not live on an Interstate highway, we are in the western mountains, we live on all secondary roads. On the road from Roxbury Village to Andover I have counted 7 moose. People have to work, and they have to go to work at night and they can't be riding 5

miles per hour to get back and forth. This is a safety issue. We have biologists who have told us this will not hurt the herd, as a matter of fact, where you have a lot of moose you are not going to see a lot of deer, they both need the same kind of habitat. It is certainly serious to us, it is dangerous for us. Please, pass this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wasn't going to say anymore today. I think everything has been said the other day, but I am compelled after so many have spoken that I have to mention one item that has not been mentioned. I agree with the argument as far as tourism goes, I like to see moose around. There are some areas where we have too many. Greenville has done a great job of promoting the moose and it will continue to do so. I also would like to remind you that you can go to Greenville most any time you want to and see a moose, you don't need to walk into some back pond to do it, but you may because there are some there also. The kill around the Greenville area has been tremendous every season. It's quite a tourist attraction to go up there and stay around for the first two or three days of the moose season at the tag station in Greenville. One thing that you must remember, the moose is a renewable resource in this State. You cannot stockpile them. If we did not have a season now you probably would not have as many moose as you've got now because of the disease of them. That will, I assure you, return as the population grows. The habitat will only support so many moose. The safeguards that are built into this law, I think, are excellent. The Department has to come back to the Fish and Wildlife Committee with a report. The Bill calls for 1200 in 1994 and 1400 in 1995, and then in 1996 up to 1500. There's no guarantee, if they come back or if they suggest that we have over harvested they can cut that back to any limit they want or the Fish and Wildlife Committee can do that for them if we find we do not agree with the report or whatever the case may be. The safeguards are there. Listen to the professionals. I guarantee you're still going to see plenty of moose out there. Hopefully by rezoning a little bit we can cut down on some of the moose vehicle collisions. They are hard to see at night, there is nothing we can do about that, we are unable to convince the motorists that they should slow down and be looking for them. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just two quick points. It's quite clear to me as far as why I'll be voting in favor of this Bill for enactment. The first is that we do have to trust the biologists and the biologists, using their experience and expertise, state that the herd should be harvested to a greater extent because the habitat can't sustain it. The second point is, coming from a rural part of the State, Oxford County, where a lot of my constituents submit their application for a moose permit, and for those that are fortunate enough to have their permit drawn and to be given a permit it's like Christmas for them. Those individuals will now have food in their freezer for the next year. For those who are fortunate enough to gain a moose are able to feed their family for the next year and it becomes a staple for them. As far as the good Senator from Cumberland, Senator Conley, stating that it is a

docile animal, so is the cow and I think I have seen the Senator from Cumberland eat a hamburger occasionally. The same is true for the moose. A lot of our constituents enjoy the meat and in fact it sustains them for the coming year. I will be supporting enactment and I urge you to as well. Thank you.

Senator **PEARSON** of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My good friend from Oxford County, Senator Hanley, has actually hit upon a point that I did not originally make when I rose this morning. Over the weekend I did actually talk to some hunter friends of mine, believe it or not I do actually have one or two, and I've often been told about moose being docile. I've even looked into the number of permits that were cashed in on last year. Within the confines of the law 1000 permits were issued, 908 were taken. I can only believe that the other 92 did not get exercise because some people, like myself, tried to get a permit and didn't go hunting. Some sort of a 90% return rate on permits tells me that this really isn't hunting. In talking to one of my hunter friends, he told me the following story, which is another reason why I so vehemently oppose this Bill. He indicated to me that he, and some of his friends, had gone hunting, one person had a permit. They came upon a moose and the one fellow took out his .22 first and shot the moose in the head, so the moose is sort of like this and moving around, not quite down though. So they threw a rope over the moose's head and then led him back to the truck where they could finish him off so they wouldn't have to drag the carcass out through the woods. To me that is not hunting, it's not hunting at all and that is one major reason why I would probably be opposed to any sort of a hunt for moose, but it certainly is why I'll be voting against this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is not going to be just the old boys today on the moose hunt because I'm going to say something. Many years ago there was a man in the Senate by the name of Frank Whitehouse Anderson, and Frank Whitehouse Anderson was the Senator from Hancock and he would say "Ruth, if they take one moose then they will take two and they will take a hundred and a thousand and two thousand". He said "When you get down to Augusta, you make sure they don't take any more". So here's one for you Frank, I move Indefinite Postponement of this Bill and all of its Accompanying Papers and ask for a Roll Call. Thank you.

Senator **FOSTER** of Hancock moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers in **NON-CONCURRENCE**.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to say that the rope over the moose's head is insulting and it's stupid. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **FOSTER** of Hancock to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE, CONLEY, FOSTER, HANDY, MCCORMICK, PEARSON**

NAYS: Senators **AMERO, BALDACCI, BEGLEY, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, ESTY, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators None

6 Senators having voted in the affirmative and 29 Senators having voted in the negative, with No Senators being absent, the motion of Senator **FOSTER** of Hancock, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Protect Consumers of Cable Television
S.P. 195 L.D. 631
(S "A" S-106 to C
"A" S-58)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds
S.P. 313 L.D. 946
(C "A" S-135)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans
H.P. 1029 L.D. 1381
(H "A" H-282)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority
S.P. 263 L.D. 801
(H "A" H-337 to C
"A" S-103)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act Regarding Visually Impaired Voters
S.P. 305 L.D. 938
(C "A" S-139)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Specially Assigned (5/21/93) matter:

Bill "An Act Allowing the Town of Pittsfield to Obtain Water from the Town of Burnham"
S.P. 450 L.D. 1417
(C "A" S-158)

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 20, 1993, **READ A SECOND TIME.**)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

The Chair laid before the Senate the Tabled and Specially Assigned (5/21/93) matter:

Bill "An Act to Extend the Maine Dairy Farm Stabilization Act"
H.P. 591 L.D. 806
(C "A" H-303)

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED,**
in concurrence

(In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303),** in concurrence. Subsequently, **RECONSIDERED.**)

(In House, May 18, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303).**)

On motion by Senator **PARADIS** of Aroostook, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-303), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-188) to Committee Amendment "A" (H-303) **READ** and **ADOPTED.**

Committee Amendment "A" (H-303) As Amended by Senate Amendment "A" (S-188) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was **PASSED TO BE ENGROSSED,** As Amended in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned (5/21/93) matter:

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Workers' Compensation Laws"
H.P. 530 L.D. 714

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In Senate, May 20, 1993, **ACCEPTANCE** of Majority **OUGHT NOT TO PASS** Report **FAILED.**)

(In House, May 19, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

The Chair laid before the Senate the Tabled and Specially Assigned (5/21/93) matter:

HOUSE REPORT - from the Committee on **UTILITIES** on Bill "An Act Amending the Charter of the Brewer Water District" (Emergency)
H.P. 615 L.D. 830

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-250).**

Tabled - May 20, 1993, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE** of Report, in concurrence

(In Senate, May 17, 1993 Report **READ** and **ACCEPTED**, in concurrence. Subsequently, **RECONSIDERED**.)

(In House, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-278).**)

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Report, in concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

SENATE REPORTS - from the Committee on **UTILITIES** on Bill "An Act to Minimize Electric Rates"

S.P. 307 L.D. 940

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-160)**

Tabled - May 20, 1993, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 19, 1993, Reports **READ**.)

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act Related to Lottery Machines"
H.P. 159 L.D. 211
(C "A" H-319)

Tabled - May 21, 1993, by Senator ESTY of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 21, 1993, **READ A SECOND TIME**.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319).**)

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act Regarding the Department of Environmental Protection Rulemaking"
H.P. 861 L.D. 1170
(C "A" H-317)

Tabled - May 21, 1993, by Senator ESTY of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 21, 1993, **READ A SECOND TIME**.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317).**)

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Emergency

An Act to Amend the Laws Concerning the Sale of Alcohol
H.P. 737 L.D. 995
(C "A" H-256)

Tabled - May 21, 1993, by Senator CAHILL of Sagadahoc.

Pending - **ENACTMENT**

(In Senate, May 11, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)**, in concurrence.)

(In House, May 20, 1993, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the Tabled and Today Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Undedicate Certain Revenues of the Department of Environmental Protection" (Emergency)
H.P. 1020 L.D. 1366

Report A - **Ought Not to Pass**

Report B - **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

Report C - **Ought to Pass as Amended by Committee Amendment "B" (H-374)**

Tabled - May 21, 1993, by Senator **HANDY** of Androscoggin.

Pending - Motion by Senator **PEARSON** of Penobscot to **ACCEPT** Report A, **OUGHT NOT TO PASS**, in concurrence (Division Requested)

(In Senate, May 21, 1993, Reports **READ**.)

(In House, May 20, 1993, Report A, **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

Senator **PEARSON** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** Report A, **OUGHT NOT TO PASS**, in concurrence.

On further motion by same Senator Report C, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-374)**, **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-374) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes"
H.P. 864 L.D. 1173

Tabled - May 21, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-343), in concurrence

(In Senate, May 21, 1993, Committee Amendment "A" (H-343) **READ**.)

(In House, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-343), in concurrence.

HELD BILL

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Mr. President, is the Senate in possession of "An Act to Change the Time of the State Primary" H.P. 488 L.D. 646?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

On motion by Senator **CAHILL** of Sagadahoc, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence on Bill:

"An Act to Change the Time of the State Primary"
H.P. 488 L.D. 646

(In Senate, May 21, 1993, on motion by Senator **CAREY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

(In House, May 20, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask that you vote against the pending motion on the floor so that we can accept the Minority Ought to Pass Report. We had a very brief, but lively, debate on this last week and I think it's important for some members of this body as we did not have a full complement of the Senate here, some have asked me that they would like to be able to participate in this vote. I realize that this is a very close issue, it was a close issue in the other chamber, it was a close issue here. I had hoped that maybe over the course of the weekend you have had time to think about the issue of a September Primary. One of the key components of this Bill is the fact that it now changes the filing date for your petitions from April until the first of July. We're trying to consolidate the amount of time that the people in the State of Maine are subjected to the campaigning for this chamber. A lot of other states have gone along with a September Primary, they have had a reduced amount of money that is being expended for legislative campaigns. I think the people of the State of Maine have spoken, I think it's a timely issue what with the Legal Affairs Committee reviewing all of our election laws. I think now with the omnibus Bill that they are going to be passing through and the

change of a September Primary, I think we are going well along the road to a much more effective type of campaign and a type of campaign that the people of the State of Maine not only deserve but expect. For those reasons I would request that you vote against the pending motion so that we can accept the Minority Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill came out of Legal Affairs with a Divided Report, as the good Senator from Oxford has mentioned. Late into the evening, very late into the evening last Friday we worked on campaign financing and one of the subjects that came up was the fact that we were giving about half of the money for Primary campaigns that we were giving for the General Election. During that time there was much debate on the idea of being maybe a little long on the campaign for the General Election and this, in fact, would help alleviate that point. If that happens we may or may not have to change the figures that we had in the campaign reports. Certainly, people are sick and tired of long campaigns anyway. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Though I would like to see a shorter time to campaign, the problem here that I foresee is that you would also have a much shorter time to raise funds. For, and as I mentioned before in debate, I felt that this would definitely benefit the incumbents. That may seem strange because I guess now I am an incumbent but that's alright, I've been on the other side much longer than I have been on this side. I know what it's like to go through a Senate race and I can assure you that if you had a Primary race there is no way that you could raise enough money, organize your campaign to even have a ghost of a chance by November. I would urge you to keep the June Primary. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I strongly support the move to change the Primary date from June to September, not for myself and it is no concern to me about the period of time that I have to raise funds, it's no concern for myself. It's a concern for the voters who have to put up with a full nine months of campaigning, from April to November. This Bill would cut that campaign period by a full one third, from nine months to a six month period and compact that. I think that the Senate can go on Record today as making a giant step toward shortening the campaign season and thereby have the residual effect of reducing the cost of campaigns. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will oppose the transformation to a September Primary. There are some very simple, practical concerns for those, especially people who come from my part of the State. My district, during the summer months, during August and July, the time when you would have to campaign for a September Primary my district goes

from being 35,000 people to being close to 100,000 people in population during those months. Trying to campaign during those months in an area like my district would be totally impossible. This last election, when I ran for the State Senate, I started in April going door to door. I walked door to door every single night and I knocked on 8000 homes. I never heard one person say they were sick of seeing me, I never heard one person say they were sick of my campaigning, in fact people were glad that somebody was out there getting in touch with them. If we change to a September Primary we are going to disadvantage a lot of the people along the coast who really need to be informed about the issues. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

SECOND READERS

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1993 (Emergency)

H.P. 1130 L.D. 1531

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1993 (Emergency)

H.P. 1131 L.D. 1532

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1993 (Emergency)

H.P. 1132 L.D. 1533

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1993 (Emergency)

H.P. 1133 L.D. 1534

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Maintain the Integrity of Commodity Tax Accounts" (Emergency)

H.P. 92 L.D. 122
(C "A" H-371)

Bill "An Act to Protect the Health of Anglers"

H.P. 276 L.D. 354
(C "A" H-384)

Bill "An Act to Clarify the Management of Real Estate Leases"

H.P. 396 L.D. 509
(C "A" H-370)

Bill "An Act Establishing University of Maine System License Plates"

H.P. 415 L.D. 534
(C "A" H-378)

Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System"

H.P. 680 L.D. 922
(C "A" H-369)

Bill "An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System"

H.P. 776 L.D. 1049
(C "A" H-385)

Bill "An Act to Amend the Laws Relating to the Lobster Promotion Council"

H.P. 842 L.D. 1147
(C "A" H-350)

Bill "An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System"

H.P. 871 L.D. 1180
(C "A" H-368)

Bill "An Act to Establish a State Trauma Care System"

H.P. 875 L.D. 1189
(C "A" H-386)

Bill "An Act Concerning Repairs Performed by Rental Tenants"

H.P. 900 L.D. 1215
(C "A" H-376)

Resolve, Directing the Bureau of Health to Study the Problem of Violence among Children, Teens and Young Adults (Emergency)

H.P. 927 L.D. 1250
(C "A" H-387)

Bill "An Act to Amend the Laws Governing the Recording of Deeds"

H.P. 986 L.D. 1317
(C "A" H-383)

Bill "An Act to Promote State Savings through the Efficient Utilization of Funds"

H.P. 1018 L.D. 1364
(C "A" H-372)

Bill "An Act Concerning Renewals of Valid Concealed Weapons Permits"

H.P. 1043 L.D. 1395
(C "A" H-377)

Bill "An Act to Amend the Charter of the Boothbay Harbor Water System" (Emergency)

H.P. 1097 L.D. 1484
(C "A" H-390)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish the Maine Youth Apprenticeship Program" (Governor's Bill)

H.P. 1136 L.D. 1536

Comes from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish a Development Authority for Loring Air Force Base" (Governor's Bill) (Emergency)

H.P. 1137 L.D. 1537

Comes from the House referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled Unassigned matter:

Emergency

An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days
S.P. 119 L.D. 357
(C "A" S-70)

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-70).**)

(In House, May 11, 1993, **FAILED OF ENACTMENT.**)

On motion by Senator **VOSE** of Washington, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **UTILITIES** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate on the Record.

Senator **WEBSTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This weekend I enjoyed the warm weather and when I got home as I was going through my mail on Saturday I received a letter which was disturbing to me, because when people in this State ask me what has happened to Maine, why has Maine changed in so many ways and I talk about special interest groups and what they have done to this State. Probably all of you received a letter this weekend from the AFL-CIO signed by Mr. O'Leary, the President of that organization, asking me and you to raise taxes, arguing that this was in the best interest of the working people. This is an example, Ladies and Gentlemen of the Senate, of what's happened to government in general, it's an example of the leadership being completely out of sync with what the membership of this State want. The people of this State that work do not agree or want more revenues for State government. I represent Madison, Maine, hundreds of people who work in factories in Madison, Maine, where there is a strong Union representation. It's absolutely unbelievable, I can guarantee you that the people of this State, the working people who are overtaxed, overregulated, and having a hard time getting by do not, I repeat do not, want new taxes. As a matter of fact it's unbelievable to me that the President of a group that purports to represent working people, that purports

to be a voice for the people of Maine who work for a living, can suggest at this time, considering our economic situation here in this State, that we ought to be raising taxes. I just want to bring it to the Senate's attention that this gentleman is not speaking for the people I represent and, I would argue, not speaking for any of the working people of the State of Maine. Thank you.

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have always found Charles O'Leary, the head of the AFL-CIO, to have the best interests of working people in this State in his heart, in his soul, in his mind, and he has always appeared to me to be concerned about working people in this State and perhaps, just perhaps, that he is concerned about the amount of money that is going to be placed in the hands of the educational establishment in this State and is concerned that people are going to get shortchanged on education, and maybe he's concerned that people are going to get shortchanged on human services that they need, and all of those other things that Labor has been concerned about over all these years. I would submit to the Senate that we would probably not even have the minimum wage in this country, nor Social Security, nor Medicare or anything else if it had not been for the people of the Labor movement like Charles O'Leary. Thank you.

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **BALDACCI**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't want to engage in a procrastinated debate over the issue of tax and spend or tax and whatever it happens to be. In this particular instance the thing that grates on me is the ability to sit back and to be able to throw firebombs on the process. The fact of the matter is that this process started by not wanting to raise taxes, trying to cut as much as possible. The fact of the matter is if you want to sit back and not get involved and go through Committee processes and see what's going on in nursing homes, to see what's going to be happening if the budget goes forward, to see what's going to be happening to the mentally ill if this budget goes forward, and they are roaming the streets, jumping off bridges or buildings or interstate signs, or if you want to shift the taxes onto the localities to pick up general assistance, which the State reimburses 90% on, if you want to shift it on property taxes which businesses pay and to personal property and have them pay that, if you want to pass a budget that does that then that's great. You can sell it and you can get pacs and you can raise money to spread the word, but the fact of the matter is that the State of Maine is doing a relatively good job with economic development, believe it or not. We spend \$400 million a year on sales tax exemptions to bring business into the State of Maine, to provide opportunities to Bath Iron Works to compete with English shipyards, to Allied Engineering to get a contract with the Defense Department, to allow for

interstate, international competition here in the State of Maine. We've been working with Pratt and Whitney and there is a special exemption for what Pratt and Whitney does and we are continuing to work with them because they provide employment in the State of Maine. If it's one thing the President of the Senate has been very vociferous about it's economic development, jobs, providing resources here in the State of Maine to provide the working income. I cannot sit back and tolerate the attitude that for some reason by us continuing taxes or having the taxes in place that we are taking it out of people's pockets when, in fact, the budget document that was submitted did nothing but dump the mentally ill on the street, dump the elderly out of the nursing homes and increase the property taxes in our municipalities. If by us sitting here trying to address those needs is inappropriate then I wouldn't want to be in this body because I think that is what our job is here in the Senate. Thank you.

Off Record Remarks

Senator **ESTY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to balance off the discussion. Basically I think the point that the good Senator from Franklin was trying to make was a valid one as far as the communication that was put forward. Yesterday afternoon I was at the Paris Farmer's Union picking up some flowers and stuff and I ran into a constituent of mine who is a member of that Union and I engaged in conversation with him, telling him I had received this letter and asking him whether or not he had been solicited as far as his response. He said no, that he hadn't, as far as to have any input and I asked him point blank right there, would you be in favor of increasing the taxes and he said no. I think that it is important to realize that when letters are sent out they only have a certain amount of merit and the best way to get to what the people of the State of Maine are thinking and feeling is to go right up to them and ask them face to face. Thank you.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **O'DEA** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Senator **CAHILL** of Sagadahoc requested and received leave of the Senate that elected members and appointed staff be allowed to remove their jackets for the remainder of the Session.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994"

S.P. 464 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-186).**

Signed:

Senators:

BRANNIGAN of Cumberland
 PARADIS of Aroostook
 GOULD of Waldo

Representatives:

MARTIN of Van Buren
DRISCOLL of Calais
O'GARA of Westbrook
RICKER of Lewiston
BAILEY of Township 27
BAILEY of Farmington
MELENDY of Rockland
STROUT of Corinth
HUSSEY of Milo

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass.**

Signed:

Representative:
PLOURDE of Biddeford

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-186) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights"
S.P. 355 L.D. 1069
(C "A" S-136)

In Senate, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-395) in NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

House Papers

Bill "An Act to Continue the 2-cent Gas Tax Increase" (Emergency)

H.P. 1129 L.D. 1530

Committee on **TAXATION** suggested and **ORDERED PRINTED.**

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED,** without reference to a Committee.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED** in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence

The Following Joint Resolution: H.P. 1138

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE RETENTION OF SMALL-ISSUE INDUSTRIAL DEVELOPMENT BONDS

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, effective July 1, 1992, federal law eliminated the tax-exempt status for small-issue industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small-issue industrial development bonds is critical to our State's economic development, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 8 years, small-issue industrial development bonds have resulted in investments of approximately \$500,000,000 in the State and the retention or creation of over 35,000 jobs and have enhanced the tax base of municipalities throughout the State; and

WHEREAS, issuance of small-issue industrial development bonds for United States manufacturers is an important investment that protects and strengthens manufacturing entities, provides quality jobs, helps to ensure that jobs are retained in the United States and not exported overseas and assists in reducing the trade deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take action to enact legislation that will permanently extend the authority to issue small-issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that small-issue industrial development bonds will again be available; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADOPTED** the Joint Resolution, in concurrence.

Senator **CLEVELAND** of Androscoggin moved the **INDEFINITE POSTPONEMENT** of the Joint Resolution in **NON-CONCURRENCE**.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin, to **INDEFINITELY POSTPONE** the Joint Resolution in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

9 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **CLEVELAND** of Androscoggin, to **INDEFINITELY POSTPONE** the Joint Resolution in **NON-CONCURRENCE**, **FAILED**.

Which was **ADOPTED**, in concurrence.

SENATE PAPERS

Bill "An Act to Establish Curtailable Load Retention Service"

S.P. 512 L.D. 1538

Presented by Senator **LAWRENCE** of York
Cosponsored by Representative **LEMONT** of Kittery
and Senator: **CARPENTER** of York

Which was referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **EDUCATION** on Resolve, to Expand the Scope of the Maine Committee for Global Education

H.P. 1111 L.D. 1507

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-379)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-379) AND HOUSE AMENDMENT "A" (H-394)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-379) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-394) **READ** and **ADOPTED**, in concurrence.

The Resolve as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation"

H.P. 250 L.D. 329

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act Related to Medical Treatment Decisions for Psychotic Disorders"

H.P. 983 L.D. 1314

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto

H.P. 948 L.D. 1277

Reported that the same **Ought Not to Pass**.

Signed:

Senator:
TITCOMB of Cumberland

Representatives:
CARROLL of Gray
HICHBORN of Howland
MICHAUD of East Millinocket
POULIOT of Lewiston
CHONKO of Topsham
RYDELL of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-338)**.

Signed:

Senators:
PEARSON of Penobscot
FOSTER of Hancock

Representatives:
KERR of Old Orchard Beach
FOSS of Yarmouth
REED of Falmouth
MACBRIDE of Presque Isle

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338) AS AMENDED BY HOUSE AMENDMENT "A" (H-393)** thereto.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke"
H.P. 666 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-358)**.

Signed:

Senator:
PARADIS of Aroostook

Representatives:
TREAT of Gardiner
BRENNAN of Portland
BRUNO of Raymond
BEAM of Lewiston
TOWNSEND of Portland
FITZPATRICK of Durham
PENDEXTER of Scarborough
JOHNSON of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:
BALDACCI of Penobscot
HARRIMAN of Cumberland

Representatives:
PENDLETON of Scarborough
GEAN of Alfred

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Make State Drug Testing Standards for Marijuana Consistent with Federal Standards"
H.P. 1011 L.D. 1357

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
HANDY of Androscoggin
LUTHER of Oxford

Representatives:

CHASE of China
SULLIVAN of Bangor
ST. ONGE of Greene
COFFMAN of Old Town
LINDAHL of Northport
RUHLIN of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381).**

Signed:

Representatives:

LIBBY of Buxton
AIKMAN of Poland

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Protect Children from Illegal Tobacco Sales"

H.P. 554 L.D. 750

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CAREY of Kennebec
HALL of Piscataquis

Representatives:

DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-375).**

Signed:

Senator:

HANDY of Androscoggin

Representatives:

LEMKE of Westbrook
MICHAEL of Auburn

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Imposing Term Limits on Legislative Leadership Positions"

H.P. 546 L.D. 742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-364).**

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

DUTREMBLE of Biddeford
KILKELLY of Wiscasset
BENNETT of Norway
YOUNG of Limestone
LOOK of Jonesboro
GRAY of Sedgwick
ROWE of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

AHEARNE of Madawaska
JOSEPH of Waterville
WALKER of Blue Hill

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364).**

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature

H.P. 768 L.D. 1035

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

LOOK of Jonesboro
WALKER of Blue Hill
BENNETT of Norway
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277).**

Signed:

Representatives:

AHEARNE of Madawaska
GRAY of Sedgwick
YOUNG of Limestone
ROWE of Portland
JOSEPH of Waterville
KILKELLY of Wiscasset

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277).**

Which Reports were **READ.**

The Majority **UGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Decrease Traffic Accidents through Creation of an Intermediate License for Minors" H.P. 617 L.D. 832

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

BRANNIGAN of Cumberland
PARADIS of Aroostook
GOULD of Waldo

Representatives:

HUSSEY of Milo
MARTIN of Van Buren
BAILEY of Township 27
PLOURDE of Biddeford
STROUT of Corinth
RICKER of Lewiston
BAILEY of Farmington

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391).**

Signed:

Representatives:

DRISCOLL of Calais
O'GARA of Westbrook
MELENDY of Rockland

Comes from the House with the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

The Majority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BRANNIGAN** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Tourism Visits and Tourism Revenues for the State" (Governor's Bill) (Emergency)

S.P. 480 L.D. 1478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-198) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Training for Activity Professionals"

S.P. 329 L.D. 1005

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-194).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-194) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Enact a New Article on Negotiable Instruments in and to Make Necessary Conforming Amendments to the Uniform Commercial Code"
S.P. 129 L.D. 381

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-191).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-191) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law"
S.P. 235 L.D. 728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-195) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Expand the Definition of Escape"
S.P. 248 L.D. 767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-197).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-197) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Provide Immunity for Private Physicians in Public Hospitals"
S.P. 266 L.D. 803

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-196).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-196) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Business Corporation Act"
S.P. 381 L.D. 1137

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-192).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-192) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act Regarding Child Molestation"
S.P. 404 L.D. 1262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-193).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-193) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Protect Children from Illegal Tobacco Sales"
H.P. 554 L.D. 750

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-375).**)

Tabled - May 24, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 24, 1993, Reports **READ**.)

(In House, May 24, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **LUTHER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This morning, during our debate, things got rather heated and I made some statements which now I am deeply sorry that I made. I thought the good Senator from Cumberland was making fun of us so I retorted angrily and sharply. I, later in a private conversation, found out that that was not his intent and I apologized then, but because I think you should not attack publicly and apologize privately I want to also get in on the Record. I am sorry. Thank you.

Senator **SUMMERS** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Tuesday, May 25, 1993, at 9:00 in the morning.